



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: FAGEN ET AL. Examiner: K. NOLAND
Serial No.: 10:776,043 Group Art Unit: 3653
Filed: FEBRUARY 9, 2004 Docket: 8195.33USC1
Confirmation No.: 2117
Title: DISPENSER PACKAGE ARRANGEMENT; AND, METHOD

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: , Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 March 4, 2005.

By: Rebecca Ralls
Name: Rebecca Ralls

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

23552
PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 1 Reference(s); 6 Samples
- ☒ Check in the Amount of \$180.00 for Submission of Information Disclosure Statement
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
612.332.5300

By: Mara E. Liepa
Name: Mara E. Liepa
Reg. No.: 40,066
Mara E. Liepa



10/776,043

PATENT

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By: 

Name: Rebecca Ralls

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. Enclosed is a check in the amount of \$180.00 under 37 C.F.R. § 1.17(p) for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2), a copy of each document or other information listed on the enclosed Form 1449 is provided.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P. C
P. O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 371-5222

Date:

March 4, 2005

By

Mara E. Liepa

Mara E. Liepa
Reg. No. 40,066
MEL:rlr

23552

PATENT TRADEMARK OFFICE

FORM 1449* INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION (Use several sheets if necessary)	Docket Number: 8195.331/SC1	Application Number: 10 776,043
	Applicant: FAGEN ET AL.	
	Filing Date: Feb 9, 2004	Group Art Unit: 3653

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	6,730,396	05/04/2004	Maloney			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
	WO 2004/009445	01/29/04	PCT				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	Two (2) Samples: "Walgreens Fresh Breath™ Strips cool burst"; (24 Strip Pack), Walgreen Co., Deerfield, IL; believed to have been commercially available before 3/29/2002
	Two (2) Samples: "Chloraseptic® Sore Throat Relief Strips™"; (20 strip dispensers), Prestige Brands International, Inc., Bonita Springs, FL, believed to have been commercially available before 3/29/2002
	Two (2) Samples: "ALTOIDS® Strips Cinnamon"; (32 breath strips), Callard & Bowser-Suchard, Inc., East Hanover, NJ; believed to have been commercially available before 3/29/2002
	Four (4) Samples: "Theraflu® Thin Strips™"; (single strip), Novartis Consumer Health, Inc., Parsippany, NJ; commercially available at least by 12/2004
	Four (4) Samples: "Triaminic® Thin Strips™"; (single strip), Novartis Consumer Health, Inc., Parsippany, NJ; commercially available at least by 12/2004
	Two (2) Samples: POND'S® Clear Pore Strips; (single strip), Chesebrough-Pond's USA Co., Greenwich, CT; commercially available at least by 3/29/2002

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EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	